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| 10/510,140 | 05/23/2005 | Eric Muller | GS 0606 B WO US | 4404 |
| 20676 | 7590 | 10/30/2007 | | |
| ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433 | | | EXAMINER LOPEZ, FRANK D | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,140

Applicant(s)

MULLER ET AL.

Examiner

F. Daniel Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Response to Amendment

Applicant's arguments filed August 6, 2007, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1-6 and 14-20 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitation that the hydraulic pressure supply unit is a unitary pressure supply unit.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The substitute specification filed August 6, 2007 has been entered.

Claim Rejections - 35 USC § 112

Claims 1-6 and 14-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 7-9 "a hydraulic fluid-operated device operatively connected with the pressure supply unit for receiving hydraulic fluid from the pressure supply unit;" should be deleted, since it repeats the limitation of line 2-4. In claim 1 last 4 lines "flow regulating means for..." is not specifically defined in the specification as to what elements are included in the means, which is a requirement for a 112 6th paragraph type limitation. In claim 1 last 4 lines "flow regulating means for selectively switching between and for interconnecting the first and second hydraulic fluid output flows with the hydraulic fluid-operated device" appears to be wrong; since it selectively adds the second flow to the first flow, rather than switching between flows.

In claim 5 line 2 "the valve" is confusing, since there are 2 valves claimed. Suggest that in claim 4 and 5 line 2 —first valve—replace "valve".

The limitation of claim 19 "Automatic transmission for motor vehicles including a hydraulic system according to claim 1." is confusing as to how it is different from claim

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1. Claim 1 claims a continuously variable transmission (line 9-10), and therefore, the "Automatic transmission" of claim 19 is in claim 1. The "for motor vehicles" is intended use and therefore is given no patentable weight. Therefore, it would appear that there is no difference between the two claims.

Claims not mentions are indefinite, since they depend from claim 1.

Claim Rejections - 35 USC § 103

Claims 1-3, 6, 14-17, 19 and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over German 3727633 in view of Goto et al. German 3727633 discloses an automatic transmission system comprising a hydraulic pressure supply unit providing first and second asymmetrical hydraulic fluid output flows (from 4, 5) fed to a continuously variable transmission (3); a flow regulating means which connects together or separates the first and second flows by a check valve (11) and a 2/2 way valve (9) and connects the two flows to the transmission, wherein the first pump flow is a third and the second pump flow is two thirds of the entire flow (diagram below fig 1); but does not disclose that the hydraulic pressure supply unit is a unitary pressure supply unit; or that the pressure supply unit is either a vane pump or an internal gear pump.

Goto et al teaches, for a hydraulic pressure supply unit providing first (e.g. via 18) and second (e.g. via 19) hydraulic fluid output flows; that the hydraulic pressure supply unit is a unitary pressure supply unit (see e.g. fig 2); and that the pressure supply unit can be either a vane pump or an internal gear pump (column 5 line 14-17), for the purpose of making the pressure supply unit compact and light with fewer components, with a reduced pressure loss to improve efficiency (column 2 line 5-8).

Since German 3727633 and Goto et al are both from the same field of endeavor, the purpose disclosed by Goto et al would have been recognized in the pertinent art of German 3727633. It would have been obvious at the time the invention was made to one having ordinary skill in the art to make the hydraulic pressure supply unit of German 3727633 a unitary vane internal gear pump, as taught by Goto et al, for the purpose of making the pressure supply unit compact and light with fewer components, with a reduced pressure loss to improve efficiency.

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Conclusion

Claims 4, 5 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (571)-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
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October 24, 2007